IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,

THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT APPEAL NO : 792 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 17/02/2004 in WP NO : 20891 OF 2003 on the file of the High Court.)

Between:

Syed Nusrath, s/o Syed Maqdoom,
Occ:Business, r/o D.No.12-2-342/1/2, Syed Aliguda,
Hyderabad.

..... APPELLANT

AND

1. The Government of Andhra Pradesh, rep., by its Secretary,

Revenue Department, Secretariat Buildings, Hyderabad.
2 The District Collector, Hyderabad District, Hyderabad.
3 The Mandal Revenue Officer, Shaikpet Mandal, Hyderabad.

.....RESPONDENTS

For the Appellant:MR.M.A.ASHFAQ MOHIUDDIN, ADVOCATE.
For the Respondents: GP FOR ASSIGNMENT

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WRIT APPEAL NO : 793 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 17/02/2004 in WP NO : 20895 OF 2003 on the file of the High Court.)

Between:

M.A.Wajid, S/o Late M.A.Wahid,
R/o D.No.10-3-193/12/b, Humayunnagar, Hyderabad.

..... APPELLANT

AND

1. The Government of Andhra Pradesh, Rep.by its Secretary,

Revenue Department, Secretariat Buildings, Hyderabad.
2. The District Collector, Hyderabad District, Hyderabad.
3. The Mandal Revenue Officer, Shaikpet Mandal, Hyderabad.

.....RESPONDENTS

For the Appellant:MR.SHAFATH AHMED KHAN, ADVOCATE.

For the Respondents.: GP FOR ASSIGNMENT

WRIT APPEAL NO : 794 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 17/02/2004 in WP NO : 20897 OF 2003 on the file of the High Court.)

Between:

Mrs. Nazia Fazil, W/o. M. A. Karim,
Rep. by General Power of Attorney Holder, M.A. Wajid,

S/o. Late M.A. Wahid, R/o. D.No.10-3-193/12/B,
Humayunnagar, Hyderabad.

..... APPELLANT

AND

1. The Government of Andhra Pradesh, Rep. by its Sexcretary,

Revenue Department, Secretariat Buildings, Hyderabad.
2 The District Collector, Hyderabad District, Hyderabad.
3 The Mandal Revenue Officer, Shaikpet Mandal, Hyderabad.

.....RESPONDENTS

For the Appellant:MR.SHAFATH AHMED KHAN, ADVOCATE

For the Respondents: GP FOR ASSIGNMENTS

WRIT APPEAL NO : 795 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 17/02/2004 in WP NO : 20932 OF 2003 on the file of the High Court.)

Between:

M.A.Karim, S/o Late M.A.Wahid,
rep.by General Power of Attorney Holder, M.A.Wajid,

S/o Late M.A.Wahid, aged about 45 years,
R/o D.No.10-3-193/12/b, Humayunnagar, Hyderabad.

..... APPELLANT

AND

1. The Government of Andhra Pradesh, rep.by its Secretary,

Revenue Department, Secretariat Buildings, Hyderabad.
2 The District Collector, Hyderabad District, Hyderabad.
3 The Mandal Revenue Officer, Shaikpet Mnadal, Hyderabad.

.....RESPONDENTS

For the Appellant:MR.SHAFATH AHMED KHAN, ADVOCATE.

For the Respondents: GP FOR ASSIGNMENT

The Court Made the Following :

COMMON ORDER:

Heard the counsel for the parties. The learned single Judge dismissed the appellants' writ petitions on the ground that the appellants are claiming title through one Orsu Venkata Ramulu, who had filed Writ Petition No.30367 of 1997 before this Court, questioning the alleged notice issued against him under Section 7 of Land Encroachment Act. The said writ petition was dismissed. Thereafter, O.S.No.1158 of 2000 was filed before the V Senior Civil Judge, City Civil Court, Hyderabad, against one Sheshu Babu and others by the petitioners' vendor. An Interlocutory Application in the above suit was also filed for temporary injunction, which was dismissed by the trial Court on the ground that Survey No.129/104 is not in existence. It is stated that revenue officials thereafter filed L.G.C.No.87 of 1998 against P.Shesu Babu and others, for their eviction from Survey No.129/76 and the same is pending. The learned single Judge dismissed the appellants' writ petitions on the ground that since the writ petition of Orsu Venkata Ramulu was dismissed, the claims of the petitioners that they purchased property from the said Orsu Venkata Ramulu, or in possession of the same, cannot be adjudicated in a summary manner by this Court, in exercise of its writ jurisdiction, and thus, while reserving the liberty to the petitioners to move the appropriate Court seeking necessary declaration of their title, dismissed the writ petition.

The learned counsel for the appellants submits that instead of directing the petitioners to approach the Civil Court, liberty be given to them to approach Special Court under A.P.Land Grabbing (Prohibition) Act, 1982, to enable them to get impleaded in the said proceedings. Appellants in fact are claiming title to the land in Survey No.129/104. L.G.C.No.87 of 1998 is for eviction of Sheshu Babu and others from Survey No.129/76.

We cannot accept this submission made on behalf of the appellants that liberty may

be reserved to them to approach and seek their impleadment in particular proceedings. As a matter of fact, as a result of dismissal of the writ petitions, it is always open for the appellants to approach whichever Court or Authority, they feel appropriate, for establishing their title to the land in question.

Writ Appeals are accordingly dismissed.

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(DEVINDER GUPTA, C.J.)

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(G.ROHINI, J)

28th June, 2004.

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To

1. The Secretary, Revenue Department, Secretariat, Government of Andhra Pradesh, Hyderabad.
2. The District Collector, Hyderabad District, Hyderabad.

3. The Mandal Revenue Officer, Shaikpet Mandal, Hyderabad.

4. Two CC's to the G.P.for Assignments, High Court Buildings, Hyderabad (O.U.T)

5. Two C.D copies

6. 1.CC to Mr.M.A.Ashfaq Mohiuddin Advocate (O.P.U.C)

7. 3 CC's to Shafath Ahmed Khan, Advocate (O.P.U.C.)